

### ERIE COUNTY WATER AUTHORITY

INTEROFFICE MEMORANDUM

February 6, 2023

To: Terrence D. McCracken, Secretary to the Authority

From: Michael W. Wymer, Senior Production Engineer MWW

Subject: Furnish and Deliver Potassium Permanganate to the Erie County Water Authority for Use in the Treatment of Water for One Year From April 7, 2022 through April 6, 2023 ECWA Project No. 202200016

The following documents are attached:

- Blue Authorization Form this form provides the project name and project number, the action that is being requested of the Board, and it provides a list of approvals that are required prior to being acted on by the Board.
- Three (3) originals of Amendment No. 1 request for Board action and execution by the Authority.

Erie County Water Authority uses various water treatment chemicals to provide safe, clean, and dependable drinking water to the residents of Erie County. One of the necessary treatment chemicals used at both of our water treatment plants is potassium permanganate (KMnO<sub>4</sub>). This chemical is fed directly at ECWA's raw water intake at both plants for taste and odor control along with control of zebra mussel colonization.

The current contract for furnishing and delivering potassium permanganate expires April 6, 2023. Carus Chemical has agreed to a one-year extension of the contract at the same terms and conditions.

Amendment No. 1 will extend the contract completion date to April 6, 2024.

#### **Budget Information:**

O&M Line-Item No. 13, Chemicals Unit 1010 Sturgeon Point: 1010 401000 602113 1015 Van de Water: 1015 401000 602213

MWW:mww Attachments cc: R.Stoll L.Kowalski D. Patton



January 26, 2023

David M. Patton, PE Sr. Production Engineer Erie County Water Authority 722 Sturgeon Point Road, New York 14047

RE: Potassium Permanganate Contract Extension

Carus is interested in extending the current contract for potassium permanganate for an additional oneyear period at the current price of \$2.62/lb or \$5,240.00/ton. Please let me know if you need anything further.

We appreciate the opportunity to continue working with Erie County.

Sincerely,

Neery Franco

Kelly Frasco Product Management Director

Carus LLC 315 Fifth Street Peru, IL 61354 815/223-1500 Telephone 815/224-6655 Fax

#### ERIE COUNTY WATER AUTHORITY AUTHORIZATION FORM For Approval/Execution of Documents (check which apply)

	1
	202200016
<b>Project Description:</b> <u>Furnish and Deliver Potassium Permangar</u>	
Authority for Use in the Treatment of Wat	er for One Year From April 7,
<u>2022 through April 6, 2023</u>	
Item Description:	
Agreement Professional Service Contract X Amendm	ent Change Order
BCD NYSDOT Agreement Contract	Documents Addendum
Recommendation for Award of Contract Recommendation to Reject Bids	
Request for Proposals	
X Other One Year Contract Extension	
Action Requested:	
X Board Authorization to Execute X Legal Approval	
Board Authorization to Award X Execution by the Chairman	
Board Authorization to Advertise for Bids Execution by the Secretary to the Authority	
Board Authorization to Solicit Request for Proposals	
Other	
Approvals Needed:	
APPROVED AS TO CONTENT:	
X Sr. Production Engineer <i>Hickorflight</i>	Date: 2/6/2023
X Chief Operating Officer	Date: 2/6/2023
	Date: 02/06/2023
X Director of Administration Savenya Leste	Date: 02/06/2023
X Risk Manager Maller Musana	Date: 2/6/2023
	Date: 02/06/2023
X Legal	Date: <u>2/6/023</u>
APPROVED FOR BOARD RESOLUTION:	
X Secretary to the Authority	Date: <u>2/6/23</u>
Remarks: Amendment No. 1	

**Resolution Date:** 

#### AMENDMENT NO. 1 TO THE AGREEMENT TO FURNISH AND DELIVER POTASSIUM PERMANGANATE

AMENDMENT, effective February 16, 2023, to the Agreement to Furnish and Deliver Potassium Permanganate effective on April 7, 2022, by and between

ERIE COUNTY WATER AUTHORITY

295 Main Street, Room 350 Buffalo, New York 14203

hereinafter referred to as the "Authority," and

**CARUS, LLC** 315 Fifth Street Peru, Illinois 61354

hereinafter referred to as the "Supplier."

**WHEREAS,** on April 7, 2022, the Authority executed an agreement with the Supplier to furnish and deliver potassium permanganate to the Authority for a one-year term, beginning April 7, 2022 (the "Agreement"); and

**WHEREAS**, the Agreement provides for potassium permanganate to be delivered to the Authority, as ordered, from April 7, 2022 through April 6, 2023; and

**WHEREAS,** in accordance with Article 1, Paragraph 1.04 of the Agreement, the parties may agree in writing to extend the term of the Agreement for two additional one (1) year terms, under the same terms and conditions; and

WHEREAS, in accordance with Article 5, Paragraph 5.02 of the Agreement, any modification or variation from the terms of the Agreement must be in writing, authorized by a resolution of the Board of Commissioners of the Authority (the "Board") and signed by all parties; and

**WHEREAS,** the Supplier has agreed to extend the term of the Agreement until April 6, 2024, based on the same terms and conditions, including pricing of \$5,240.00/ton, as set forth in Article 4 of the Agreement;

NOW, THEREFORE, in consideration of mutual promises herein set forth, the parties agree to the following:

The parties agree that the terms and conditions of the Agreement shall continue in (1)effect until April 6, 2024; and

The parties agree all other terms and conditions of the Agreement shall remain (2)unchanged and in effect; and

(3) This Amendment may be executed in counterparts, each of which is deemed an original, but all of which together are deemed to be one and the same agreement.

IN WITNESS WHERETO, the parties hereto have caused this Amendment No. 1 to be signed by their respective duly constituted officers, attested and sealed pursuant to proper authority.

### **ERIE COUNTY WATER AUTHORITY**

By \_\_\_\_\_\_ Jerome D. Schad, Chair

CARUS, LLC

By\_\_\_

Kelly Frasco, Product Management Director

# STATE OF NEW YORK)COUNTY OF ERIE) ss:

On the \_\_\_\_\_\_ day of February, in the year 2023, before me personally came Jerome D. Schad, to me known, who, being by me duly sworn, did depose and say that he resides in Amherst, New York, that he is the Chair of the Board of Commissioners for the Erie County Water Authority described in the above instrument; and that he signed his name thereto by order of the Board of Commissioners.

Notary Public

## STATE OFCOUNTY OF) ss:

On the \_\_\_\_\_ day of \_\_\_\_\_, in the year 2023, before me personally came Kelly Frasco, to me known, who, being by me duly sworn, did depose and say that she resides in Peru, Illinois, that she is the Product Management Director of the Corporation described in the above instrument; and that she signed her name thereto by order of the Board of Directors of said Corporation.

Notary Public